

REMARKS

This response is filed in response to the final Office Action dated June 12, 2007. Claims 9-18 are pending. In the Office Action, the Examiner rejected all pending claims under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,918,217 to Maggioncalda et al. (“Maggioncalda”), in view of U.S. Patent No. 5,745,681 to Levine et al. (“Levine”).

Summary of the Applicants' Response

Claims 9 and 17 have been amended to clarify that the claimed recommendation logic is responsive to user input of selection criteria to calculate for products/services a score indicative of the closeness of match between the data defining the product/service and the input user selection criteria.

Support for the amendments can be found throughout the specification and no new matter has been added. Amendments to the claims are being made solely to expedite prosecution and do not constitute an acquiescence to any of the Examiner's rejections.

Applicants' silence with regard to the Examiner's rejections of the dependent claims constitutes recognition by the Applicants that the rejections are moot based on the Applicants' Amendment and Remarks relative to the independent claim from which the dependent claims depend. Applicants reserve the option to further prosecute the same or similar claims in the present or a subsequent Application.

35 U.S.C. § 103 (a) Rejections

To reject claims in an application under Section 103, the Examiner must establish a prima facie case of obviousness. Using the Supreme Court's guidelines enunciated in *Graham v. John Deere*, 383 U.S. 1, 17 (1966), one determines "obviousness" as follows:

Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or nonobviousness of the subject matter is determined.

In *KSR Int'l Co. v. Teleflex Inc.*, No. 04-1350 (U.S. April 30, 2007), the Supreme Court reaffirmed the *Graham* test, and indicated that although it should not be rigidly applied, a helpful insight into determining obviousness is to consider whether there is a teaching, suggestion or motivation in the prior art that would lead one of ordinary skill in the art to combine known elements of the prior art to arrive at the claimed invention. Importantly, the Court emphasized that a patent examiner's analysis under Section 103 should be made explicit in order to facilitate review.

Thus, to establish a prima facie case of obviousness, the Examiner has an obligation to construe the scope of the prior art, identify the differences between the claims and the prior art, and determine the level of skill in the pertinent art at the time of the invention. The Examiner must then provide an explicit, cogent reason based on the foregoing why it would be obvious to modify the prior art to arrive at the claimed invention. The Office Action does not provide this explicit, cogent reason.

Claims 9 and 17

Each of the pending claims stand rejected as obvious over Maggioncalda in view of Levine. Maggioncalda discloses a user interface system for a financial advisory system. In Maggioncalda, user selection criteria are entered via sliders (*See* Maggioncalda Figs. 14a, 14b), the position of the sliders determining a stock selection. Entries in the stock selection can be selected and “locked” at a set value (*See* Maggioncalda, example 1450 in Fig. 14b).

Levine discloses a stateless shopping cart for on-line shopping. In the on-line shopping cart, a selection of products can be displayed in a window. (*See* Levine Fig. 4, window 61). An individual product can be selected from the window and further information on the selected product can be obtained by pressing the “view information” button 65.

In the Office Action, the Examiner alleged that Maggioncalda teaches a user interface which comprises recommendation logic responsive to user input of selection criteria to calculate for each product/service for which data is stored in memory a score for said product/service. In doing so the Examiner relied upon the disclosure of Maggioncalda (col. 17 lines 3-33, Figs. 2, 4, 7a and 8) which illustrates a recommended set of financial products for inclusion in a portfolio. (*See* box 3 in fig. 4 and the percentages associated with a range of funds and also the “retirement forecast” value shown in Figs. 4 and 7c).

Maggioncalda does not, however, disclose a recommendation logic of the type claimed in the present application. In particular, Maggioncalda does not disclose the calculation of a score indicative of the closeness of match between stored data defining products/services and input user selection criteria. Neither of the two values referred to by the Examiner is a score indicative of the closeness of match between stored data defining products/services and the input user selection criteria. The portfolio values shown in Figs. 4 and 14 are not indicative of a closeness

of match between the stored data defining a product/service and input user selection criteria. They are rather a calculated weighting of different fund types. Similarly, the “retirement forecast” value is not a score indicative of the closeness of match between the data defining the product/service and the input user selection criteria, but rather a calculated probability of the indicated set of funds achieving a desired return.

In accordance with the claimed invention, when a user inputs data, the recommendation logic calculates a score indicative of the closeness of match for the products/services for which definition data is stored. Representations of a restricted selection of the products/services associated with the highest scores are then displayed and these representations may be selected to obtain further information relevant to the products/services. This advantageous feature of the claimed invention is not disclosed by Maggioncalda or Levine, either individually or in combination.

Moreover, Maggioncalda does not teach or suggest the display of a plurality of different products/processes selected on the basis of a score indicative of closeness of match as claimed. Nor can the displayed weighting values be selected so as to obtain further information about a product/service. The only disclosure of selection of weighting values in Maggioncalda is shown in Fig. 14b and the accompanying description which illustrates the “locking” of a particular weighting value. Maggioncalda therefore, fails to provide a system which enables a user to enter selection criteria and then obtain detailed information by selecting from representations of a small number of best matching products/services so as to assist in the selection of a product/process. Levine also does not address these limitations. In particular, Levine does not disclose the display of a plurality of different products/processes selected on the basis of a score indicative of closeness of match as claimed. Consequently, Applicants respectfully submit that

independent claims 9, 17, and their dependent claims 10-12, 14, 16, and 18 are likewise allowable.

Applicants' silence with regard to the Examiner's rejections of the dependent claims 10-12, 14, 16, and 18 constitutes recognition by the Applicants that the rejections are moot based on the Applicants' Remarks relative to the independent claims from which the dependent claims depend. Applicants reserve the option to further prosecute the same or similar claims in the present or a subsequent Application.

CONCLUSION

In view of the foregoing amendments and remarks, favorable consideration and allowance of claims 9-12, 14 and 16-18 is respectfully requested. In the event that the application is not deemed in condition for allowance, the Examiner is invited to contact the undersigned in an effort to advance prosecution of this application.

Respectfully submitted,



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